

## BUSINESS CARDS.

**JNO. E. HAMILTON,**  
Attorney & Counselor at Law,  
N. E. COR. SCOTT AND FOURTH STS.,  
COVINGTON, Ky.

WILL practice in the counties of Kenton,  
Campbell, Pendleton, and Boone.  
Collections also made in the city of Cincinnati  
and county of Hamilton, State of Ohio.  
dec9 1-w-6m

**H. KELSEY & ARNOLD,**  
ATTORNEYS AT LAW,  
NEW LIBERTY, Ky.

WILL practice in the Courts of Owen, Carroll,  
Gallatin, Gretna, Henry, and others.  
Collections in any of the above counties promptly  
attended to.  
dec9 d&w

**Ben. J. Monroe,**  
Attorney and Counselor at Law, and  
General Land Agent,  
LEAVENWORTH CITY, KANSAS.

WILL practice law in all the Courts of the Terri-  
tory. Collections made in all parts of the  
Territory and Western Missouri, and remittances  
promptly made. Money invested and rents collected  
and remitted.  
Office on South Delaware street, between Second  
and Third. oct1 w&t-wtf

**A. J. JAMES,**  
Attorney and Counselor at Law,  
FRANKFORT, Ky.

Office on St. Clair street, near the Branch  
Bank of Kentucky. feb26 w&t-wtf

**JAMES P. METCALFE,**  
ATTORNEY AT LAW,  
FRANKFORT, Ky.

WILL practice in the Court of Appeals, Office  
on St. Clair street, over Dr. Snel's and Hud-  
man's. feb26 w&t-wtf

**G. W. CRADDOCK & CRADDOCK,**  
ATTORNEYS AT LAW,  
FRANKFORT, Ky.

OFFICE on St. Clair street, next door south of the  
Branch Bank of Kentucky. Will practice law in  
all the Courts of the Territory, and in the Circuit  
Courts of the adjoining counties. jan1 w&t-wtf

**T. N. & D. W. LINDSEY,**  
ATTORNEYS AT LAW,  
FRANKFORT, Ky.

WILL practice law in all the Courts in Frank-  
fort and the adjoining counties. Office on St.  
Clair street, four doors from the bridge.  
dec11 w&t-wtf

**JOHN A. MONROE,**  
ATTORNEY AND COUNSELOR AT LAW,  
FRANKFORT, Ky.

WILL practice law in the Court of Appeals, in the  
Franklin Circuit Court, and all other State  
Courts held in Frankfort, and will attend to the  
collection of debts for non-residents in any part of  
the State.

How will as Commissioner of Deeds, take the knowl-  
edgements of deeds, and other writing to be used or  
recorded in other States, and as Commissioner un-  
der the act of Congress, attend to the taking of depo-  
sitions, affidavits, etc.  
Office, "Old Bank," opposite Mansion House.  
nov19 tf

**P. U. MAJOR,**  
ATTORNEY AT LAW,  
FRANKFORT, Ky.

OFFICE on St. Clair street, near the Court House.  
Will practice in the circuit courts of the 4th Ju-  
dicial District, Court of Appeals, Federal Court, and  
all other courts held in Frankfort.

**S. D. MORRIS,**  
ATTORNEY & COUNSELLOR AT LAW,  
FRANKFORT, Ky.

PRACTICES in all the courts held in Frankfort,  
and in the adjoining counties. He will attend  
particularly to the collection of debts in any part of  
the State. All business confided to him will meet  
with prompt attention.

Office on St. Clair street in the new building  
next door to the Branch Bank of Kentucky, over G.  
W. Craddock's office. mar7 lv

**JOHN M. HARLAN,**  
ATTORNEY AT LAW,  
FRANKFORT, Ky.

Office on St. Clair st., with James Harlan.  
Two doors North of the Court-House.  
'33 vt Frankfort, Ky.

**E. A. W. ROBERTS,**  
ATTORNEY AT LAW,  
FRANKFORT, Ky.

WILL practice in the Franklin Circuit Court, and in  
the courts of the adjoining counties.  
Office east side of St. Clair street, next door to  
Mr. Harlan's office. may19 tf

**GEORGE E. ROE,**  
ATTORNEY AT LAW,  
GREENUPSBURG, Ky.

WILL practice law in the counties of Greenup,  
Lewis, Carter, and Lawrence, and in the Court  
of Appeals.  
Office on Main street, opposite the Court-House.  
jan14 wly

**JOHN M. McCALLA,**  
Attorney at Law, and General Agent,  
WASHINGTON CITY, D. C.

WILL attend particularly to SUSPENDED  
and REJECTED CLAIMS—where based upon the  
want of official records. sep6 w&t-wtf

**CAPITAL HOTEL,**  
R. C. STEELE, Proprietor,  
Frankfort, Ky.

May 22, 1858-1f

**H. WHITTINGHAM,**  
Newspaper and Periodical Agent,  
FRANKFORT, Ky.

CONTINUES to furnish American and Foreign  
Weeklies, Monthlies, and Quaterlies, on the best  
terms. Advance Sheets received from twenty-four  
publishers. Back numbers supplied to complete  
sets. nov27 w&t-wtf

**B. F. DINKLE,**  
BEGS to inform his friends, and citizens of Frank-  
fort and surrounding counties generally, that he  
is prepared to execute all descriptions of House,  
Sign, and Fancy Painting, in the best style, and on  
moderate terms.

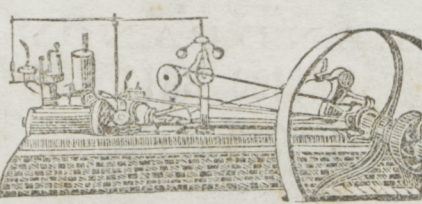
Jobs attended to in town and country, and satisfac-  
tion warranted in all cases. Orders left at the hard-  
ware store of Mr. John Haly, next door to the Farm-  
ers' Bank, will receive the most prompt attention.  
jan11 w&t-wtf

**EGBERT & WRIGHT,**  
HOUSE, SIGN, AND ORNAMENTAL PAINTERS  
IN all the late and fashionable styles, Gilding,  
Varnishing, and Polishing; Gilding, Zinc, Oriental  
and Grecian Painting; Glazing and Paper Hang-  
ing. All work done in the best manner and on the  
most reasonable terms. All orders promptly attend-  
ed to. Shop on Main street, Frankfort, Ky.  
mar24 w&t-wly

**NOW READY!**  
The New Code of Practice,  
IN Civil and Criminal cases, for the State of Ken-  
tucky.  
P. S. Any one remitting me five dollars, shall re-  
ceive a copy free of postage.  
The above work for sale by S. C. BULL, Book-  
seller, Frankfort, Ky. 122129 w&t-wtf

## LOUISVILLE ADVERTISEMENTS.

**P. L. FOUNDRY,**  
TENTH STREET  
Opposite the Artesian Well,  
Louisville, Ky.  
WM. H. GRAINGER, Agent.



STEAM Engines for Cotton Gins, Saw and Grist  
Mills, &c. Cranks, Gudgeons, Mill Gearing, Cot-  
ton Gin Segments, Shafting, Pulleys, Mill Gearing,  
&c. Circulars or Saw Saw Mills; Hotchkiss' Reac-  
tion Water Wheels for Saw or Grist Mills, &c.  
dec9 d&w

**NEW MUSIC HOUSE!**  
WM. MCARRELL,  
MUSIC PUBLISHER  
AND DEALER IN  
PIANOS, MELODEONS  
BOUND AND SHEET MUSIC,  
Musical Instruments and Musical Merchandise  
Generally,  
No. 474 JEFFERSON STREET,  
NORTH SIDE, BETWEEN THIRD AND FOURTH,  
LOUISVILLE, KY.

HAVING JUST OPENED A NEW  
MUSIC HOUSE in this city, I beg  
leave to call the attention of my friends  
and the public generally to my stock,  
which is ENTIRELY NEW, and has been selected  
with great care. It shall be my aim to keep constantly  
on hand  
The very Best and Latest Publications  
And a fine assortment of  
SUPERIOR PIANOS, MELODEONS, GUIT-  
TARS, VIOLINS, STRINGS, &c., &c.

Printed Catalogues forwarded on application.  
If Music sent to any part of the country, post  
paid, on receipt of the market price.  
Those in want of new and good MUSIC or Instru-  
ments will do well to give me a call, as I am de-  
termined to sell on the best terms.

**WM. MCARRELL,**  
474 Jefferson street,  
N. B. The friends and acquaintances of Mr. J. H. H.  
McCAN will always find him at 474 Jefferson street,  
where he will be happy to fill their orders.  
sep22 w&t-wtf

**M. B. SWAIN,**  
MERCHANT TAILOR,  
AND DEALER IN GENTLEMEN'S  
FURNISHING GOODS,  
No. 4 Masonic Building,  
Louisville, Ky.

**NATHANIEL WOLFE,** S. N. HODGES,  
OF LOUISVILLE. LATE OF FRANKFORT.

**WOLFE & HODGES,**  
ATTORNEYS & COUNSELLORS  
AT LAW,  
AND  
COLLECTING AGENTS,  
LOUISVILLE, KY.

Office on Centre Street, opposite the Court-House.  
oct8 w&t-wtf

**Wooden Ware Store.**  
THE subscriber has established at Louisville a  
WHOLESALE STORE for the sale of all the  
varieties of  
WOODEN WARE,  
his stock now largely into daily consumption.  
His stock of Buckets, Tubs, Churns, Droms, Hand  
Wheels, Covered Cedar Cans, Wash-boards, Clothes  
Bins, Measures, Sieves, Mops, Baskets, Matrons,  
Blacking, Barrel-Covers, Covered Flour Buckets,  
Fine Cord, Iron Cord, Twines and Cords of  
all kinds, Brushes of all kinds, Wooden Bowls,  
Demijohns, Willow Ware, Rolling Pins, Wrapping  
Paper, Ax Handles, Mule and Horse Frames, Clothes  
Hampers, Cedar Chests, Toy Carts, &c., is large,  
and extensive in variety, and is sold as low as in Cin-  
cinnati or St. Louis. A large part of the articles are  
made under his own supervision; and his stock is  
fresh, clean, and in saleable condition. He hopes to  
receive a share of the Country Trade.

**J. B. RUSSELL,**  
500 Main st., between Third and Fourth,  
LOUISVILLE, KY.  
oct1 w&t-wly

**W. S. ENOTT,** T. A. HARROW,  
NATIONAL HOTEL,  
Corner Fourth and Main Streets,  
LOUISVILLE, KY.

**KNOTT & HARROW,**  
PROPRIETORS.

**GEO. H. CARY,** R. L. TALBOT,  
CARY & TALBOT,  
SUCCESSORS TO  
(BELL, TALBOT & Co.)  
DRUGGISTS AND APOTHECARIES, PAINTS,  
Oil, &c., 453 Market street, between Third and  
Fourth, Louisville, Ky.  
Particular attention paid to Physicians' or-  
ders. mar22 w&t-wly

**A. JAEGER & Co.,**  
IMPORTERS AND WHOLESALE DEALERS IN  
FRENCH CHINA,  
Glass and Earthenware, No. 239 Lake street,  
Chicago, Ill., Nos. 119 and 121 Fourth street,  
Louisville, Ky.  
mar22 w&t-wtf

**HART, MAPOTHER & CO.,**  
Lithographers and Fancy Printers,  
Southeast corner Market and Third Streets,  
Louisville, Ky.

And No. 36 North Main Street, St. Louis, Missouri.  
EXECUTE in the highest style of the art, every  
description of ENGRAVING, PEN AND CRAY-  
ON LITHOGRAPHING, COLOR PRINTING, &c., &c.  
JAS. P. MARSHALL, JOHN A. DICKINSON,  
NEW CARPET  
AND  
House Furnishing Store.  
MARSHALL & DICKINSON,  
IMPORTERS & DEALERS,  
79 FOURTH ST., BETWEEN MAIN AND MARKET  
LOUISVILLE, KY.

WE are now opening an entirely new stock, em-  
bracing every variety, style, and quality of  
handsome  
Carpets,  
Floor Oil Cloths,  
Rugs, Mats,  
Ladies and Coco Matting,  
Stair Rods,  
Curtains,  
Blankets all widths qualities and prices.  
We also keep on hand and make to order Flags, Tar-  
paulins, Mosquito Bars, Bed Comforts, &c., &c. Our  
stock being entirely new, and having been selected  
with great care, we can offer such inducements in  
styles, qualities, and prices as are seldom found west  
of the mountains.  
MARSHALL & DICKINSON,  
79 Fourth street, Louisville, Ky.  
aui3 w&t-wtf

**TO HOUSEKEEPERS**  
And all Others in Want of  
CARPETINGS,  
FLOOR OIL CLOTHS,  
WINDOW SHADES, CORNICES,  
Rugs, Mats, &c., &c.  
SAVE YOUR MONEY!  
Save a large per centage in the  
Purchase of these Goods by  
Looking through our  
FALL STOCK,  
THE LARGEST IMPORTED THIS SEASON.  
Country Merchants  
Are particularly invited to give us a call. We  
will offer them RARE INDUCEMENTS.  
**DURKEE, HEATH & CO.**  
107 Fourth Street,  
LOUISVILLE, KY.  
sep27 w&t-wtf

**HENRY WEHMSOFF,**  
UPHOLSTERER!  
No. 547 South Side Main St., bet. 2d  
and 3d, Louisville, Ky.

CONSTANTLY on hand Curtains, Gases, Window  
Shades, and Trimmings, Feather Hair, Cotton,  
Moss, and Shuck Mattresses, Spring Pillows, and  
Bolsters.  
All kinds of Upholstery done at short notice  
and on reasonable terms.  
mar22 w&t-wtf

**SAMUEL L. LEE,** J. W. OWEN,  
Boots & Shoes,  
WHOLESALE AND RETAIL!  
WE HAVE JUST RECEIVED a splendid assort-  
ment of Men's, Ladies', Misses' and Children's  
SHOES and GAITERS, which we intend to sell as  
cheap as any other house in the city.  
SAML. L. LEE & CO., 449 Market street,  
second door above Fourth, Louisville, Ky.  
mar24 w&t-wly

**JOSEPH HADDOX,** LOUIS HADDOX,  
HADDOX & ERO.,  
(SUCCESSORS TO JOHN R. HALL.)  
COACH AND CARRIAGE BUILDERS,  
Third st., east side, bet. Market and Jefferson,  
LOUISVILLE, KY.

WE will manufacture and keep on hand CAR-  
RIAGES of every description and latest fash-  
ion. oct1 w&t-wtf

**TRIPP & CRAGG,**  
IMPORTERS, WHOLESALE AND RETAIL  
DEALERS  
PIANOS, MUSIC  
AND  
MUSICAL MERCHANDISE,  
109 Fourth Street, between Market and Jefferson,  
LOUISVILLE, Ky.

N. B.—Catalogues sent postage free on application.  
oct18 w&t-wtf

**NEW YORK MACHINERY DEPOT,**  
222 Pearl Street, New York.

**MILBANK & ANNAN,**  
(SUCCESSORS TO A. L. ACKERMAN.)  
MANUFACTURERS AND DEALERS IN STEAM ENGINES  
AND BOILERS, LEATHER AND RUBBER BELTING,  
IRON AND WOOD  
WORKING MACHINERY, AND  
MANUFACTURERS' ARTICLES, &c.  
sep30 w&t-wtf

**EDGAR KEENON,** JNO. N. CRUTCHER  
KEENON & CRUTCHER,  
DEALERS IN  
Books & Stationery,  
HATS, CAPS, BOOTS, SHOES,  
STRAW GOODS,  
Umbrellas, Notions, &c., &c.  
Main street, Frankfort, Ky.  
jan1 w&t-wly

**YOUNG GENTLEMEN**  
WANTING SOMETHING EXTRA IN THE  
WAY of a  
Handsome Cloth Cap or Dress Hat,  
will do well to call and see those at  
SAM. C. BULL'S,  
Hot and Bookstore St. Clair Street.  
sep24 w&t-wtf

**B. F. Dinkle**  
HAS removed his shop to Ann street, one door be-  
low Sam. Phillips' residence, where he is pre-  
pared to execute all descriptions of HOUSE, SIGN,  
and FANCY PAINTING, in the best style, and on the  
most moderate terms.  
Jobs attended to in town and country, and satisfac-  
tion warranted in all cases. Orders left at the hard-  
ware store of Mr. John Haly, next door to the Farm-  
ers' Bank, will receive the most prompt atten-  
tion.  
dec6 d&w

**REMOVAL.**  
L. TOBIN has removed his stock of Groceries to  
his new house on Lewis street, opposite C. G.  
Graham's Livery Stable, where he invites all his old  
customers and as many new ones as wish to patronize  
him.  
He keeps constantly on hand a choice assortment  
of Sugar, Coffee, Molasses, Spirits, Tobacco, Cigars,  
Liquors, and everything usually kept in a well stock-  
ed grocery establishment, which he proposes to sell  
as cheap as any other house in the city.  
aui3 w&t-wtf

**"Books and Stationery."**  
A CHOICE selection of the standard publications  
of the day—Law, Medical, and School—together  
with a large lot of fine stationery, at  
S. C. BULL'S,  
Bookseller.

**Vesper Gas.**  
WE are the Agents for the VESPER GAS, and  
are prepared to supply customers with Lamps  
and Coal Oil at manufacturers' prices. The public  
are invited to call at our store and examine these  
Lamps, &c.  
W. H. KEENE & CO.  
ap29 w&t-wtf

**Wall Paper and Cutlery.**  
NEW Styles of the above articles, just received at  
S. C. BULL'S  
THE SPRING STYLE CASSIMERE HATS may  
be obtained at  
mar2 w&t-wtf KEENON & CRUTCHER'S.

## LOUISVILLE ADVERTISEMENTS.

**TO HOUSEKEEPERS**  
And all Others in Want of  
CARPETINGS,  
FLOOR OIL CLOTHS,  
WINDOW SHADES, CORNICES,  
Rugs, Mats, &c., &c.  
SAVE YOUR MONEY!  
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mar24 w&t-wly

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AND BOILERS, LEATHER AND RUBBER BELTING,  
IRON AND WOOD  
WORKING MACHINERY, AND  
MANUFACTURERS' ARTICLES, &c.  
sep30 w&t-wtf

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aui3 w&t-wtf

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A CHOICE selection of the standard publications  
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Bookseller.

**Vesper Gas.**  
WE are the Agents for the VESPER GAS, and  
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and Coal Oil at manufacturers' prices. The public  
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W. H. KEENE & CO.  
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THE SPRING STYLE CASSIMERE HATS may  
be obtained at  
mar2 w&t-wtf KEENON & CRUTCHER'S.

## CINCINNATI ADVERTISEMENTS.

**J. Le Boutillier & Brothers,**  
30 west Fourth street, bet. Main and  
Walnut,  
CINCINNATI,  
305 Canal street New York | 812 Chestnut street, Phil-  
adelphia.

**IMPORTERS & RETAILERS  
OF  
SILKS,  
Dress and Fancy Dry Goods,  
RIBBONS and EMBROIDERIES.** An examina-  
tion and comparison is respectfully solicited.  
One price, and no deviation. Terms Cash.  
sep13 w&t-wly

**F. W. Rauch,**  
PUBLISHER AND DEALER IN  
SHEET MUSIC.  
MUSICAL INSTRUMENTS, Strings, &c., 82 west  
Fourth street, 2d door east of Vine, Cincinnati,  
Ohio.

Music bound; Pianos tuned and repaired. Or-  
ders by mail promptly attended to. ap7 w&t-wly

**DRY GOODS AND CARPET STORE.**  
**JOHN SHILLITO & CO.**  
Nos. 101, 103 and 105 West Fourth St.  
CINCINNATI, OHIO.

IMPORTERS OF  
DRY GOODS AND CARPETING.  
RESPECTFULLY inform their customers and  
purchasers generally that they are now opening  
an extensive and complete assortment of  
Dry Goods, Carpeting, Floor Oil  
Cloths, &c., &c.

Families, Hotel Keepers, Steamboat owners, and  
all others may depend upon finding the best class of  
Goods, at prices as low as they can be purchased in  
the Eastern cities.  
sep29 w&t-wtf

**MANUFACTURERS' ARTICLES.**  
**J. & C. REAKIRT,**  
52 Second Street, Cincinnati, O.

KEEP A FULL SUPPLY OF  
Manufacturers' Articles,  
Carding Machines,  
Warp on Beam, assorted colors,  
Machine Cards,  
Wire Heddles and Frames,  
Shuttles,  
Steel Beels and Pickers,  
Lacing and Picker Leather,  
Harness Twine,  
Hand Cards, Tenter Hooks,  
Cumb Plate, &c., &c.

ALSO, A FULL ASSORTMENT OF  
Dye-Stuffs, Cutch, Indigo,  
Madder, Catechu, Sumac,  
Log Wood, Cam. Wood, &c., &c.  
sep29 w&t-wly

**DO YOU  
DO YOU  
DO YOU  
WANT  
WANT  
WANT  
EMPLOYMENT!  
EMPLOYMENT!  
EMPLOYMENT!**

READ THIS!  
I want an energetic man to canvass each County in  
the United States and Canada, and sell some new  
Historical, Biographical, and Literary Books, and  
finely executed Maps.  
These works are sold exclusively by my own  
Agents, and are never PLACED IN BOOK STORES FOR  
SALE.

Since February 4th I have sent out 106 men to op-  
erate for these works, and "still there is room." If  
you want a profitable employment, and at the same  
time an honorable calling, send me your address, and  
I will mail you, free of postage, my catalogue, terms  
to Agents, and the actual reports of some of my men  
who are at work, and leave you to decide if you, too,  
may not make this business both agreeable and profit-  
able. A. M. C. K. BARNY,  
Book and Map Publisher, Cincinnati, Ohio.  
sep20 w&t-wly

**"Let those Laugh who win."**  
If you would be astonished at quality  
and prices, call and examine a Hazle-  
ton Brothers, Hallett, Davis & Co.'s, and  
Haven, Bacon & Co.'s, and Peters-  
Cragg & Co.'s, Pianos, at No. 66 West Fourth-street.  
All are for rent, and will let the rent pay for the  
Piano.  
The largest stock of Melodeons in the city.  
oct20 w&t-wtf

**Christmas Present.**  
REMEMBER the right of bread-  
baking, and William Knabe & Co.'s, &c.  
Pianos can be found only at 72 West  
Fourth street. I am offering unusual  
inducements for cash, or will rent, and let the rent  
pay for the Piano.  
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IN SENATE.  
Tuesday, Jan. 31, 1860.  
Senate met at 9 1/2 o'clock, A. M.  
The Journal of yesterday was read by the Clerk.

PETITIONS AND REMONSTRANCES.  
Were offered by the following Senators, and appropriately referred:  
Messrs. MARSHALL, ALEXANDER, IRVING, PENNEBAKER, DeHAVEN, READ, (remonstrances), DARNABY, FISK, JENKINS, (remonstrances), TAYLOR, (3 remonstrances).

JOINT RESOLUTION.  
Mr. ALEXANDER moved a suspension of the rules in order to enable him to offer a joint resolution. Adopted.  
Same—A joint resolution making a committee of three from the Senate and five from the House, to draft suitable resolutions expressive of our appreciation of the kind invitation and generous reception we received from the Governor, Legislature, and citizens of Ohio.  
Messrs. TAYLOR, GROVER, and WALKER were appointed on said committee upon the part of the Senate.

NOTION TO SUSPEND.  
Mr. JENKINS moved a suspension of the rules, for the purpose of offering a resolution. Rejected.

REPORT FROM JUDICIAL COMMITTEE.  
Mr. CISELL, from the Judiciary committee—An act to incorporate the Maysville Coal Oil Company, with an expression of opinion that it ought not to pass.

After considerable discussion between Messrs. Taylor, Rust, De Haven, Read, and Cissell, the hour arrived for taking the orders of the day. Mr. READ moved that the orders be suspended until the bill under discussion be disposed of. Adopted.

Mr. CISELL moved the previous question. Mr. RUST demanded the yeas and nays. The question being: Shall the bill be rejected? It was lost by the following vote:  
Yeas—Messrs. Speaker, (Porter), Alexander, Anthony, Burick, Bales, Bruner, Cissell, Cosby, Darnaby, De Haven, Fisk, Grover, Irvin, Haycraft, McKee, Prall, Rhea, and Wait—15.

NAYS—Messrs. Gillis, Glenn, Haycraft, Jenkins, Johnson, Lyon, Marshall, McBrayer, McKee, Pennebacker, Read, Rhea, Rust, Walker, Walton, and Whitaker—17.  
The Senate having refused to reject the bill, Mr. RUST offered an amendment to the 5th section of the bill. Adopted.

Mr. DeHAVEN offered to amend the title by striking out "Maysville Coal and Oil Company," and inserting "Fulton Coal and Oil Company." Mr. CISELL demanded the yeas and nays. The amendment was adopted by the following vote:  
YEAS—Messrs. Speaker, (Porter), Alexander, Anthony, Burick, Bales, Bruner, Cissell, Darnaby, De Haven, Fisk, Grover, Haycraft, Irvin, McKee, Prall, Rhea, and Wait—17.

NAYS—Messrs. Cosby, Gillis, Glenn, Johnson, Lyon, Marshall, McBrayer, Pennebacker, Read, Rust, Walker, Walton, and Whitaker—17.  
Mr. GLENN moved that the bill fall into the orders of the day. Rejected.

Mr. CISELL moved to dispense with the 2d reading of the bill. Rejected.

A MESSAGE FROM THE HOUSE.  
Was received, announcing the titles of the several Senate bills concurred in; also, the several bills passed by the House, in which they asked the concurrence of the Senate.

[A CORRECTION.—In the published proceedings of yesterday, we made Senator Walker introduce a bill for the benefit of Touney Shanks, Sheriff of Ohio county. The proper name is Q. C. Shanks.]

ADJOURNMENT.  
The following joint resolution, originating and adopted in the House, was reported to the Senate this morning:  
Resolved by the General Assembly of the Commonwealth of Kentucky, Two-thirds of all the members elected concurring, that the present session of the General Assembly be continued until and including the 24th day of February, 1860.

MOTIONS TO SUSPEND.  
Mr. READ moved a suspension of the rules in order to take up the House apportionment bill. Rejected.

Mr. ANDREWS moved to suspend the rules for the purpose of taking up the Senate apportionment bill. Rejected.

Mr. GROVER moved a suspension of the rules in order to allow a select committee to report. Adopted.

REPORT OF SELECT COMMITTEE.  
Mr. GROVER, from the select committee, appointed to ascertain the amount of unfinished business in the Senate, reported 62 bills and bills in the hands of the several committees.

The rules being suspended, Mr. Grover moved to take up, out of the orders of the day, the resolution reported from the House this morning fixing the time of final adjournment. Adopted.

The resolution (printed elsewhere in our report this morning) was taken up.  
Mr. IRVING moved to amend the resolution by striking out "24th of February," and inserting "13th of February."

Mr. ANDREWS moved to amend the amendment by striking out "13th" and inserting "21st."

Mr. GROVER called for a division of the question, and moved the previous question. The previous question was sustained.

The question was then taken upon the motion to strike out.  
The yeas and nays being demanded, the motion was rejected by a vote of 25 yeas to 12 yeas.

The question was then taken upon the adoption of the resolution.  
The yeas and nays being demanded, the resolution was rejected—The vote being 25 yeas to 11 nays—the Constitution requiring a majority of two thirds of the members elected, and 26 being necessary to adopt the resolution.

A bill to apportion representation.  
Mr. FISK moved the previous question. Pending which, the Senate took a recess, on motion of Mr. Fisk, until 3 o'clock, P. M.

EVENING SESSION.  
Senate met at 3 o'clock.

Mr. WALTON moved a call of the Senate. A call.

The following Senators were absent:  
Messrs. Anthony, Burick, Bales, Bruner, Cosby, Darnaby, De Haven, Fisk, Grover, Irvin, Haycraft, Read, Taylor, Wait, Walker, Whitaker.

On motion of Mr. FISK, all other proceedings under the call of the Senate were dispensed with.

ORDERS OF THE DAY RESUMED.  
A bill to apportion representation.  
The question was upon the substitute of Mr. Bruner.

Mr. ANDREWS demanded the yeas and nays. The substitute was rejected by the following vote:  
YEAS—Messrs. Alexander, Andrews, Bruner, Gillis, Haycraft, Johnson, Lyon, McKee, Pennebacker, Rhea, Taylor, and Wait—12.

Mr. PENNEBAKER offered an amendment to the section appropriating the Seventh District. [Increasing the representation from the city of Louisville three members.] Rejected.

Mr. WHITAKER moved to amend the same section.  
[Giving Shelby two representatives instead of one.] Rejected.

Same—Offered an amendment striking out "Shelby 1, Carroll 1, Trimble 1," and inserting "Shelby 2, Carroll and Trimble 1." Rejected.

Mr. TAYLOR offered an amendment to that section of the bill which apportions the Ninth District.  
[Giving Lewis 1 representative, and Rowan and Carter 2.] Rejected.

Mr. READ demanded the yeas and nays. The amendment was adopted by a vote of 27 yeas to 1 nay.

Mr. BRUNER offered an amendment to the section appropriating the Tenth District.  
[Striking out "Kent 2" and inserting "Kent 1, and the city of Covington 1." Rejected.

Mr. GLENN moved to postpone the further consideration of the bill until to-morrow at 10 o'clock. Rejected.

Mr. ALEXANDER moved to amend the 36th Senatorial district by striking out "Adair" and inserting "Casey," and the 37th Senatorial district by striking out "Casey" and inserting "Metcalf."

Mr. BRUNER demanded the yeas and nays. The amendment was rejected by a vote of 15 yeas to 18 nays.

Mr. PENNEBAKER moved an amendment to the 18th Senatorial district by striking out "First and Second wards, Louisville," and inserting "Seventh and Eighth wards, Louisville."

The amendment was rejected by a vote of 11 yeas to 17 nays.

Mr. GILLIS moved an amendment to strike the county of "Jackson" from the 33d district, and attach it to the 34th district.

Mr. FISK demanded the yeas and nays. The amendment was rejected by a vote of 14 yeas to 19 nays.

Mr. GILLIS moved to amend by striking "Jackson" from the 33d district and attaching it to the 34th district; and striking "Laurel" from the 34th and adding it to the 33d district. Adopted.

Mr. WALTON moved to amend by adding the county of "Metcalf" to the 34 representative district.

Same—Moved to postpone the further consideration of the bill until to-morrow at 10 o'clock. Rejected.

Mr. JOHNSON moved to reconsider the vote by which the motion to postpone was rejected. Adopted.

The motion, being renewed, was then adopted.

MR. RUST—A bill for the benefit of B. J. McComas.

Mr. PENNEBAKER—A bill in relation to citizens or subjects of foreign countries. Judiciary.

Mr. WHITAKER—A bill incorporating the Smithfield and Shelbyville turnpike road company. Circuit Court.

Mr. CISELL—A bill to incorporate the Louisville planing mill company. Propositions and Grievances.

Mr. PRALL—A bill for the benefit of Moses Gullett. Propositions and Grievances.

Mr. HAYCRAFT—A bill to add an additional week to the spring and fall terms of the Hardin Circuit Courts. Circuit Courts.

On motion of Mr. CISELL, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.  
Tuesday, Jan. 31, 1860.

The House met at 9 o'clock.  
The Journal of yesterday was read and approved.

PETITIONS.  
Were presented by Messrs. BURNAM, (2), GANAWAY, (2), RICHARDSON, RICE, (2), HILL, and CLEARY, (2), and appropriately referred.

PROLONGATION OF SESSION.  
Mr. HODGE moved to take up the motion of Mr. McElroy to reconsider the vote by which the House on the 23d refused to prolong the session to February 16th. Adopted.

Mr. McELROY moved to strike out the 16th February and insert the 21st February.

Mr. FINN moved to amend the motion by inserting the 24th instead of the 21st February. Adopted.

The question was then upon the resolution, and the vote being taken it stood thus: yeas 72; nays 11. So the resolution was adopted.

Mr. McELROY—same committee—Senate bill to incorporate the German Steam-Cutters' Benevolent Institution of Louisville. Passed.

Same—A bill for the benefit of Jefferson and James B. Thomas, of Monroe county. Passed.

Same—A bill to incorporate the Louisville Hebrew Mutual Benefit Society. Passed.

Same—A bill for the benefit of Laverna Simpson. Passed.

Same—A bill to increase the powers of the Marshal and Police Judge in the town of Columbia, in Adair county. Passed.

Same—A bill concerning turnpike roads and railroads. [No Judge of a Superior or Inferior Court shall hold office in such road.] Fell into the orders of the day.

Same—A bill to amend the charter of Barstow. [Allows citizens of Nelson county owning land in said town to vote for town officers.] Passed.

Same—A bill establishing and incorporating the town of Vandersburg. Passed.

Same—A bill to furnish County Judges with necessary blank books. Passed.

Same—A bill to repeal an act to amend the charter of the city of Louisville. Passed.

Same—A Senate bill to incorporate the Clay Manufacturing Company. Passed.

Same—A Senate bill for the benefit of the creditors of the People's Telegraph Company. Passed.

Same—A Senate bill for the benefit of the New Orleans and Ohio Telegraph Company. Passed.

Same—A Senate bill to authorize the Louisville chancery court to close certain streets in said city. Passed.

Same—A bill to incorporate Masonic Lodge, No. 297, of Ancient York Masons of the county of Muhlenburg. Passed.

Same—A bill for the benefit of the Justice of the Peace and citizens of the 5th district in Mercer county. Passed.

Same—A Senate bill to amend an act approved March 3d, 1856. (Revises all laws in relation to seminary lands in M. school county.)

Mr. COLEMAN spoke in opposition to the bill. But before any action of the House was had, the SPEAKER announced the

ORDERS OF THE DAY.  
Mr. GOHENE moved to dispense with the orders. Rejected.

The House then took up the bill extending the benefits of the Louisville House of Refuge.

Mr. TEVIS offered a substitute for the bill.

Mr. FINN offered an amendment to the substitute.

On motion of Mr. GALE, the substitute and amendment were ordered to be printed, and made the special order for Friday next.

The original bill was made the special order for same day.

On motion of Mr. GOODLOE, the House dispensed with the special orders for the purpose of taking up the Judicial District bill.

NEW JUDICIAL DISTRICT.  
Mr. CARLISLE—Special Committee—A bill to create the 14th Judicial District, and for other purposes.

Mr. HUSBANDS moved to amend the bill by adding that the act creating Equity and Criminal Courts, in the counties of Union, Hopkins, Caldwell, and Lyon, is hereby repealed. Adopted.

And the bill as amended was passed.

A message in writing from the Governor was received through the Hon. Thomas B. Monroe, Secretary of State, transmitting a communication from the Legislature of New York, inviting the Legislatures of Ohio, Tennessee, and Kentucky to visit the city of Albany.

Mr. CLAY offered the following resolution, which was adopted:  
Resolved, That the committee on Ways and Means be instructed to inquire and report to this House, what legislation, if any, is needed to correct the errors and inequalities committed by us in relation to the valuation of property listed for taxation in this Commonwealth.

JOINT RESOLUTIONS.  
Mr. CARLISLE moved the following joint resolutions, which lie on the table one day:  
Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor and Legislature of New York are entitled to receive, and we hereby tender to them, our warmest thanks for the kind invitation which they have so generously extended to us to visit Albany and enjoy the hospitality of their powerful and prosperous State; and that, while we are constrained by the urgent demands of important public duties at home, to deny ourselves the pleasure of a meeting and fraternal interchange of opinions with them, we but reflect the unanimous sentiments of the people whom we represent, when we declare that the Empire State can only be benefited by the most implicit confidence upon the sympathy and cordial co-operation of Kentucky in all her efforts to promote the cultivation of an amicable and conciliatory spirit among the several states of the confederacy. Kentucky has no ambition which is not bounded by the Union, as the "constitution has defined it; no prejudice which she is willing to gratify at the expense of its peace and prosperity; no hope that could be realized by a dissolution, and is an earnest of her devotion to it, she pledges for its maintenance all the strength and energies of a brave and patriotic people.

Resolved, That the Governor of this Commonwealth be requested to communicate a copy of the foregoing resolutions to the Governor of New York, with the request that he will lay the same before the Legislature of that State.

Mr. D. P. WHITE moved the following joint resolution, which lies on the table one day, viz:  
Be it resolved, by the General Assembly of the Commonwealth of Kentucky, That the members of the two Houses tender to the Executive and legislative authorities of the State of Ohio, to the Mayor and Municipal authorities of the city of Cincinnati and Columbus, and to the people of that great Commonwealth, their heartfelt acknowledgments for the paternal care and generous hospitality extended to them while upon their recent visit to Columbus and Cincinnati; and as they feel that the people of the Commonwealth of Kentucky, for whom they speak, reciprocate the fullest and truest sentiments of loyalty and devotion to the Union, uttered so freely by their distinguished men, and manifested so generally by the people of Ohio.

Be it further resolved, That the Governor of this State be requested to communicate in some appropriate manner, the foregoing resolution to the Governor and Legislature of Ohio, and to the Mayors and Municipal authorities of the cities of Cincinnati and Columbus.

Mr. RITTER offered the following substitute for the above resolutions, viz:  
Resolved by the General Assembly of the Commonwealth of Kentucky, That we tender to the Legislature of Ohio, and to the cities of Columbus and Cincinnati, the warmest thanks for the kind and hospitable manner in which they received and treated the members of this body, in their late visit to the State of Ohio.

Resolved, That the manifestations of patriotism and kindness, the liberal and magnificent preparations, and the grand receptions which the members of this body witnessed and received at the hands of the Legislature and people of Ohio, be a permanent and honorable record to the people of Kentucky, and that the members of this body, in their future visits to the State of Ohio, be ever ready to reciprocate the same.

Resolved, That we tender to the city of Louisville our thanks for her kindness and hospitality; that we are proud of her as the emporium of Kentucky, and as such it is not only the duty but the pride of Kentucky to foster her interests and protect her rights.

And then the House adjourned.

DECISIONS OF THE COURT OF APPEALS OF KENTUCKY.  
Reported expressly for the Yeoman by CHARLES F. CRADDOCK, Attorney-at-Law, Frankfort, Ky.

Theresa Birch et al.,  
Peter Funk,  
Theresa Birch  
Appeal from the Louisville Chancery.

Peter Funk.  
These cases may be properly considered together. In December, 1858, Theresa Birch, William Funk, and Samuel Funk filed a petition against Peter Funk, claiming that in 1810, Jonathan Funk, ancestor of the defendant, had conveyed to the plaintiff, a certain lot in Jefferson county, Ky., where he then resided, to the State of Louisiana; that he died in Louisiana, possessed of said lot, and that the plaintiff, by his guardian, John Funk, who afterwards died, leaving the plaintiff, William and Samuel, his only heirs at law; that in January, 1853, the defendant, Peter Funk, was guardian of the defendant, John Funk, both being then infants, and they being the only heirs of said Jonathan Funk; that the defendant, Peter Funk, had then and there learned within the last year the fact that their ancestor had died possessed of the estate mentioned; and that the defendant, their guardian, had taken possession of the same, and had kept the plaintiffs ignorant of these facts; that he had an inventory of the estate which he received as guardian, and he had settled his accounts as such. They therefore prayed that the guardian be compelled to settle his accounts, and surrender to the plaintiffs the property in his hands, and the interest which they were entitled to.

In this petition the defendant demurred; the court sustained the demurrer, and the plaintiffs not asking leave or offering to amend, entered a final judgment dismissing the petition at the plaintiffs' costs, and from that judgment the latter have appealed.

Duvall, Judge, delivered the opinion of the Court: That the demurrer was properly sustained admits, we think, of no serious question. The suit was not brought until after the lapse of nearly forty years from the time the guardian was appointed, and not until at least twenty-five years after all the parties had died. No disability, either of infancy or coverture, on the part of either of the plaintiffs is alleged in the petition, nor do they even attempt to account for their neglect to sue, or to enforce their rights against their guardian, except by the general statement that they did not learn, until within a year past, that their ancestor died possessed of the property they now claim. The cases presented by the petition are one of gross and inexcusable laches, the demand is a stale and antiquated one, and such cases, even if they should involve well settled principles, refuse to be taken upon for the purpose of affording relief. This general doctrine is so well understood that further discussion, or the citation of authorities in support of it, would be out of place.

The chancellor did not, therefore, err in sustaining the demurrer upon the general ground that the petition did not state facts sufficient to constitute a cause of action.

Subsequently to the rendition of this judgment, Theresa Birch filed her petition against Peter Funk, on which William and Samuel Funk are also made defendants. She alleges the death of her father, Jonathan Funk, in 1811, leaving her at law, and leaving lands and other estate, as set forth in the other petition, and that after Peter Funk was appointed her guardian, she stated the following additional and material facts: That she was eight years old at the time of her father's death; that in the year 1814, she married John Birch, who died in the year 1856; that the defendant, Peter Funk, took possession of the land and goods of her father, and she claims that he fraudulently kept the plaintiff in ignorance of the facts concerning the estate left by her father, and his receipt and disposition of the same, with the intent to defraud her of her interest therein.

The defendant demurred to this petition, and also answered, setting up the judgment in the former suit as a bar to the present action, alleging that the same matters were litigated in that suit which are sought to be litigated in this.

The case was heard upon the petition and answer, no disposition having been made of the demurrer, and judgment was rendered sustaining the defense set up in the answer, and dismissing the petition. From that judgment the plaintiff appealed.

Duvall, Judge, held:  
That the facts set forth in the petition are sufficient to constitute a cause of action, and to entitle the appellants to relief, cannot be, and indeed has not been questioned, either by the defendant or by the court in argument here. On the contrary, it is conceded that the defects in the former petition are supplied in the present petition, and that the additional allegations contained in the latter, which set forth the disabilities under which the plaintiff labored until the death of her husband in the year 1856, are a sufficient objection to the sufficiency of the former petition.

Was the judgment upon the demurrer to that petition a bar to this action? The rule is well settled that to constitute the former judgment a bar to another suit founded on the same cause of action, the judgment must have been a decision upon the merits. But if the trial went off on a technical defect, or because the debt was not due, or because the cause of action had been barred by the statute of limitations, or because of the temporary disability of the plaintiff to sue, or the like, the judgment will be no bar to a future action. (Greenleaf, sec. 64.)

The facts in the present case are repeatedly recognized and acted on by this court. In the case of *Kendall v. Talbot*, (10 Met. 324) it was held that a judgment rendered for the defendant on the ground of the insufficiency of the plaintiff's declaration, cannot be a bar to another action founded upon the same cause of action. See also *Thomas et al. v. Hite*, (5 B. Monr., 534.)

The case of *Hawkins v. Lambert et al.*, (18 B. Monr., 404) was not at all controlling in this principle.

But the chancellor in his opinion, which is relied on as part of the argument for the appellee, seems to recognize the principle we have stated; but he insists that the judgment pleaded as a bar to this action not only sustained the demurrer to the petition, but dismissed the petition itself, and as the order does not show upon what grounds the petition was dismissed, it could not be said that it was dismissed "otherwise than upon the merits."

Now that the order referred to does show very distinctly and certainly the ground upon which the petition was dismissed. It is in these words: "The facts in the petition being insufficient to constitute a cause of action, and to entitle the appellants to relief, the court sustained the demurrer, and it is ordered that said demurrer be sustained, and that the petition be dismissed, and the costs be paid by the plaintiff." This is nothing more nor less than a final judgment upon the demurrer, just such as it is the duty of the court to render where the petition is held up, upon demurrer, to be insufficient, and no leave is asked or motion made to amend. As already shown, the demurrer in this case was properly sustained, and the general ground that the facts as therein set forth were not sufficient to entitle the plaintiff to any relief.

In this state of the case the plaintiffs chose to suffer their petition to be dismissed by the final judgment of the demurrer.

One of the plaintiffs subsequently filed a petition setting forth a valid and sufficient cause of action, and clearly showing herself entitled to the relief sought by herself and her co-plaintiffs in the former action. What obstacle to her recovery does the former judgment present? None whatever. That judgment merely pronounced the former petition insufficient. It decided that the case as presented by that petition was without merit, and to that extent only can it be said to have been a decision upon the merits.

But the facts set out in the subsequent case have been fully litigated and passed upon in this case, and it is therefore illogical and an abuse of terms to say that the judgment relied upon is a judgment upon the merits of the present case, and for that reason must operate as a bar to any relief.

The whole argument in support of the view of the chancellor proceeds upon the assumption that there exists an inflexible rule of practice which requires a plaintiff, when his petition shall be adjudged insufficient on demurrer, either to ask leave to amend, or to move for a new trial, or to do this or that, or to forfeit all future right to sue upon a cause of action not set forth in the defective petition, although attempted to be amended by the plaintiff, or to be forever precluded either under the Civil Code or prior to its adoption.

The facts sufficiently apparent upon the record, it will be proper upon the return of the cause to allow the appellee to amend his answer, should he offer to do so.

The judgment is therefore reversed, and the cause remanded for further proceedings in conformity with this opinion.

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